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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,714	09/09/2003	Kyung pill Ko	1293.1853	8736
21171	7590	10/20/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			BLACKMAN, ANTHONY J	
			ART UNIT	PAPER NUMBER
			2676	

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,714

Applicant(s)

KO ET AL.

Examiner

ANTHONY J. BLACKMAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 15-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/11/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of restriction requirement in the reply filed on 1/14/05 is acknowledged. In short, examiner disagrees with applicant's interpretation of the restriction requirement.

The traversal is on the ground(s) that "Upon review of references involved in this field of technology, applicant submits it is upon reconsideration of the Examiner's initial restriction requirement, all of the pending claims should be examined in the subject application".

Further, applicant stated that claims 15-23 and 28-35 are drawn to a method of adjusting brightness on screen, a method of display on a screen, and a computer-readable medium encoded with instructions for implementations a method of adjusting brightness on a screen. Claims 24-27 are drawn to a display adjusting apparatus for a display.

Further, applicant stated that examiner has not set forth why there would be a serious burden if restriction is required.

Further still, applicant requests that even if examiner considers claims 23-28 and 29-38 to be separate invention(s) from claims 1-22, the applicant respectfully requests the examiner to consider claims 15-23 and 28-35 (Group II), claims 24-25 (Group III), and claims 26-27 (Group IV) together.

After careful review and consideration of applicant's traversal of the restriction requirement, examiner maintains the restriction requirement.

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First, each group is separately distinct. The distinct features and limitations, shown below, require separate searches for each recited independent claim representing each distinct group. For example, the system controller of claims 26-27 performs different functions than the system controller of claims 1-14, yet applicant requests that all claims are grouped together. Another related example, the apparatus of claims 24-25 disclose two circuits each automatically adjusting color temperature and brightness, respectively. No other set of independent claims disclose automatic adjustment of one of two circuits for color temperature and one of two circuits for brightness, respectively. Finally, claim 15 discloses specific conditional determinations with first and second predetermined critical values with RGB signals for brightness levels and predetermined ratios. The examples above provide the basis for the restriction requirement of four groups. Examiner disagrees with the traverse by applicant and also disagrees with the request to combine groups II, III and IV because each group is clearly distinct from each other group and each group will require specific searches.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper; and

because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper; and

because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, III, or IV, restriction for examination purposes as indicated is proper.

DETAILED ACTION

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2 and 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by PARK, US Patent Application Publication, Pub. No. US 2002/0163527.

4. As per claim 1, examiner interprets PARK to disclose the recited claim language as claimed,

An apparatus for adjusting brightness of a screen on which input RGB color signals are displayed (figure 1, element S1 and figure 4, element 10, subelement 13c), the apparatus, comprising:

a RGB color signal generator (see figure 12, element 92 and figure 13, element 102) to detect a total maximum value of the RGB color signals (see figure 5, element 20),

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to compare the total maximum value with a predetermined critical value (see figure 5, element 20, subelement 1),

and to generate RGB color signals so as to increase or decrease a brightness level (figures 6, 7 and 9 disclose adjustment levels for brightness (increasing and decreasing)) of an image displayed on the screen by one of a plurality of predetermined ratios based on the comparison result ((see figure 1, elements S1, S2 and S3) are analogous to the predetermined ratios); and

a system controller to provide the predetermined critical value to the RGB color signal generator (see figure 12, element 95 and figure 13, element 105).

5. As per claim 2, PARK meets limitations for claim 1, including, wherein the predetermined critical value comprises

a first predetermined critical value (see figure 5, subelement 1) determined in a case where the brightness level of pixels (see figure 4, subelement 13c) in an area of the screen from which the total maximum value is detected corresponds to substantially full white (section 0021, brightness level is analogous to full white level), and a second predetermined critical value determined in a case where the brightness level of pixels in the area corresponds to substantially full black (section 0020 and darkness level is analogous to full black level).

6. As per claim 5, PARK meets limitations of claim 1, including , wherein the RGB color signal generator windows a predetermined area of the screen (sections 0057 and

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0058), and then detects the total maximum value of the RGB color signals in the predetermined area (sections 0057 and 0058).

7. As per claim 6, PARK meets limitations of claim 5, including, wherein the predetermined area is determined depending on a highest resolution supported by the screen on which the image is displayed (see sections 0057 and 0058 – the area of the predetermined image is set and adjusted in a substantially similar manner to the recited claim 6 language).

8. As per claim 7, PARK meets limitations of claim 1, including, wherein the brightness of the screen is automatically adjusted (see section 0080 – is analogous to the following excerpt of section 0080 because all grades of brightness may be adjusted at one time is an automatic brightness adjustment).

Allowable Subject Matter

9. The following is an examiner's statement of reasons for allowance for independent claims 8 and 12, including their dependent claims 9-11 and 13-14, respectively: none of the prior art, either alone or together expressly teach or suggest the conditional language recited in claim 8 describing comparing maximum values, and generating other RGB signals if (if marks the conditional language that is not met within the prior art) one of the maximum values is greater than the others having a color temperature increased to a predetermined value. None of the cited prior art meet the conditional language above. Claim 12 recites similar claim language with more narrow

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recited claim language. Therefore, claims 8-14 meet necessary conditions for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. SHIMUZU et al, US patent Application publication 2002/0051584; EVERARD et al, US Patent No. 6,285,344; SHIRAIISHI , US Patent Application Publication No. 2005/0168620; BEN-CHORIN et al et al, US Patent Application Publication No. 20025/0031199; EVANICKY et al, US Patent No. 6,611,249; and CHO, US Patent No. 6,292,228.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY J. BLACKMAN whose telephone number is 571-272-7779. The examiner can normally be reached on FLEX SCHEDULE.

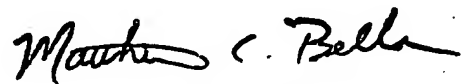
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW BELLA can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANTHONY J BLACKMAN
Examiner
Art Unit 2676



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